

UNITED STATES DISTRICT COURT

THE CITY OF NEW YORK

Plaintiff,

v.

OLD DOMINION TOBACCO COMPANY,
INCORPORATED d/b/a ATLANTIC
DOMINION DISTRIBUTORS,

Defendant.

EASTERN DISTRICT OF NEW YORK

CASE MANAGEMENT PLAN

Docket Number: 1:20-cv-05965

Upon consent of the parties, it is hereby ORDERED as follows:

1. Defendants shall answer or otherwise move with respect to the complaint by ____*_____.
2. No additional parties may be joined after ____*_____.
3. No amendment of the pleadings will be permitted after ____*_____.

* On July 1, 2021, Defendant served a motion seeking dismissal of the complaint in its entirety under FRCP 12(b)(2) & (6), which was fully briefed and submitted on September 2, 2021. The parties agree that, should the motion be denied in part or in full such that claims remain against Atlantic Dominion, Atlantic Dominion will have 45 days from the decision on the motion to dismiss to file an Answer. The parties similarly agree that, should the motion be granted in full or in part such that the City is provided with an opportunity to submit an amended complaint, the City will have 45 days from the decision on the motion to dismiss to file its amended complaint and to join any additional parties.

4. Date for completion of automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure, if not yet made: ____Completed____.
5. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before ____**_____.
 - (b) rebuttal expert witnesses on or before ____**_____.
6. All discovery, including depositions of experts, shall be completed on or before ____**_____. (Generally, this date must be no later than 6 months after the initial conference).

** Pursuant to the Court's instruction the parties are conducting document discovery while the parties await a decision on Defendant's motion to dismiss. The production of all documents responsive to the parties' document requests and interrogatories, subject to any unresolved objections or agreed upon limitations, shall be completed on or before July 30, 2022.

7. Pre-motion letters regarding proposed dispositive motions must be submitted within one (1) weeks following the close of all discovery and responses are due one week later.
8. Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. §636(c)?
(Answer no if any party declines to consent without indicating which party has declined.)
Yes No X

If parties answer yes, then fill out the AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form. The form can be accessed at the following link:
<http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf>.

This scheduling order may be altered or amended upon a showing of good cause not foreseeable at the date hereof.

Dated: Brooklyn, New York

RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

CONSENTED TO:
Dated: June 3, 2022

/s/ Sabita Krishnan
Eric Proshansky
Sabita Krishnan
Hope Lu
New York City Law Department
100 Church Street
New York, New York 10007
Tel.: (212) 356-2273
skrishna@law.nyc.gov
Attorneys for Plaintiff

/s/ Mary Grace W. Metcalfe
Avi Schick
Mary Grace W. Metcalfe
875 Third Avenue
New York, New York 10022
Tel: (212) 704-6000
avi.schick@troutman.com
marygrace.metcalfe@troutman.com
Attorneys for Defendant